

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 3310 of 2016
Date of decision: 25.7.2016

Sukhchain Chand

Petitioner

vs.

State of Punjab

Respondent

Present: Mr. Vaibhav Sehgal, Advocate.
Ms. HK Athwal, DAG, Punjab

M.M.S.BEDI,J.

The petitioner, in the capacity as Panchayat Secretary, has allegedly embezzled funds of the Gram Panchayat. He had been granted the concession of pre-arrest bail by this court on 20.12.2012. It is apparent from the police record that after having been granted the concession of bail, the petitioner opted to evade appearance before the trial court after presentation of challan, as a result of which he was declared a proclaimed offender by the trial court on 29.9.2014. He has approached this court again for grant of pre-arrest bail claiming that he is ready and willing to participate in the further proceedings. Vide order dated 29.3.2016 he was granted interim bail by this court in order to enable him to appear before the Area Magistrate by 23.4.2016. No doubt he has put in appearance before the court pursuant to the interim order passed by this court but whether compliance of an interim order would entitle him to the concession of pre-arrest bail, is a short question, which is to be considered at this stage.

Counsel for the petitioner has contended that the petitioner had been wrongly declared a proclaimed offender without serving him any

notice and that the petitioner in departmental proceedings has been exonerated.

The petitioner had been granted the concession of pre-arrest bail on 20.12.2012 expecting that he would continue to appear before the investigating agency or the court of competent jurisdiction in a case, which was registered against him in year 2012. He having evaded appearance for two years, had to be declared a proclaimed offender. Since the order declaring him proclaimed offender is not subject matter of the present petition, I am of the considered opinion that the hide and seek played by the petitioner with the process of law will not entitle him to the grant of pre-arrest bail.

Dismissed. However, taking into consideration his conduct on the basis of interim order passed by this court i.e. he having put in appearance before the Area Magistrate, it is ordered that in case the petitioner surrenders before the Area Magistrate within a period of 15 days, his application for regular bail will be decided within a period of 3 days. Circumstance of he having surrendered pursuant to the interim order may be taken taken in to consideration while considering his conduct that by appearing before the trial court, order declaring him proclaimed offender, would be deemed to have been ceased to exist. In case he opts not to appear before the concerned court, this petition will be deemed to have been dismissed without any direction.

July 25 ,2016
TSM

(M.M.S.BEDI)
JUDGE